

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Boronat et al
Filed : August 6, 2001
Serial No. : 09/921,992
Title : Methyl-D-Erythritol Phosphate Pathway Genes
Examiner : Stuart Baum
Group Art Unit: 1638
Atty Docket : REN-00-084-US

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
via Facsimile ONLY
Ex. S Baum 703-872-9306 (fax) 3 pages
703-305-6997 (phone)

TRANSMITTAL LETTER

Dear Sir:

Please find enclosed for the above-referenced application the following:

- 1) a Second Revised Response to Restriction Requirement.

Respectfully submitted,

Lois K. Ruszala
Donald J. Silvert, Reg. No. 37,552
Lois Ruszala, Reg. No. 39,074
Thomas E. Omholt, Reg. No. 37,052
Attorney for Applicants

Renessen LLC
Legal Dept-Intellectual Property
3000 Lakeside Dr., Suite 300-South
Bannockburn, IL 60015
Phone Contact: 847-457-5000
Fax: 847-457-5174

CERTIFICATE OF FACSIMILE

I hereby certify that the foregoing document is being sent by facsimile to Commissioner for Patents, to the attention of Examiner Stuart Baum at 703-872-9306 on this 23 day of October, 2003.

Darlene Rentschler / Sandra Paulov
Darlene Rentschler / Sandra Paulov

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Second Revised Response to Restriction Requirement

Sir:

In response to the Office Action mailed October 20, 2003, Paper No. 11, Applicants submit the following response.

Remarks

The application presently contains claims 1-10. In the Office Action mailed June 26, 2003, the Examiner indicated that the response filed on 7/25/2003 was non-responsive for electing SEQ ID NO: 3 and SEQ ID NO: 78. The Examiner indicated that applicants were required to elect a corresponding pair of sequences from claims 1 and 3, and found that SEQ ID NO: 78 was not such a sequence.

Applicants thank the Examiner for providing applicants with the time to supply the omission or correction.

Applicants maintain the traverse of the restriction requirement for the reasons set forth in their amendment dated April 18, 2003. However, in order to facilitate prosecution, Applicants have provisionally elected, with traverse, Group I, Claims 1-5 and 7-9 and further have

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Darlene Rentschler / Sandra Paulov

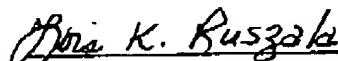
Sai S. SUBRAMANIAM et al.
Appl. No. 09/688,069

provisionally elected, with traverse, nucleic acid sequence SEQ ID NO: 3 and amino acid sequence SEQ ID NO: 50. SEQ ID NO: 3 is set forth in claim 3 and SEQ ID NO: 50 is set forth in claim 1.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account Number 50-1100, referencing docket number REN-00-084-US. Applicants likewise authorize a charge to Deposit Account Number 50-1100 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representative at (847) 457-5055.

Respectfully submitted,



Donald J. Silvert, Reg. No. 37,552
Lois K. Ruszala, Reg. No. 39,074
Thomas E. Omholt, Reg. No. 37,052
Attorney for Applicants

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